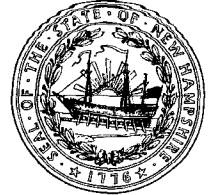




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

April 20, 2006

Michele D. and Michael J. Corcoran
P.O. Box 2113
Merrimack, New Hampshire 03054-2113

RE: Administrative Order No. ARD 06-003

Dear Mr. and Mrs. Corcoran:

The New Hampshire Department of Environmental Services, Air Resources Division ("DES"), is issuing the enclosed Administrative Order No. ARD 06-003 to you with respect to violations concerning asbestos abatement activities. The Administrative Order addresses violations of N.H. Admin. Rules Env-A 1800, *Asbestos Management and Control*.

If you have any questions, please contact Barbara Hoffman at (603) 271-7874.

Sincerely,

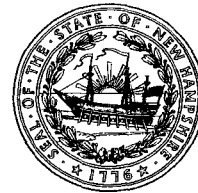
Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/blh

cc: W. Toland, EPA Region I
J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
G. Hamel, DES Legal Unit Administrator
Public Information Officer, DES PIP Office
Richard Hinch, Chair, Board of Selectmen, Town of Merrimack



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Michele D. and Michael J. Corcoran
P.O. Box 2113
Merrimack, NH 03054-2113

RE: ASTEC Asbestos Technologies

ADMINISTRATIVE ORDER
No. ARD 06-003
(STA.S)

April 20, 2006

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Air Resources Division to Michele D. and Michael J. Corcoran pursuant to RSA 141-E:14. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Air Resources Division ("DES"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Michele D. and Michael J. Corcoran are individuals, d/b/a ASTEC Asbestos Technologies ("ASTEC"), a/k/a Air-Soil Technologies, having a mailing address of P.O. Box 2113, Merrimack, NH 03054-2113.

C. STATEMENTS OF FACTS AND LAW

1. RSA 141-E authorizes DES to reduce the exposure of the public to asbestos fibers through rules adopted by the Commissioner relative to work practices and engineering control standards for asbestos abatement activities. Pursuant to this authority, the Commissioner has adopted NH Administrative Rules Env-A 1800, *Asbestos Management and Control*.
2. RSA 141-E:14 authorizes DES to issue a notice of violation and order of abatement whenever the Commissioner has reason to believe that any rule adopted pursuant to RSA 141-E has been violated.
3. RSA 141-E:10 authorizes DES to license asbestos contractors.
4. On September 1, 2005, DES received an Application for License as an Asbestos Abatement Entity for ASTEC-Asbestos Technologies, Inc., a/k/a Air/Soil Technologies (the "License Application"). The License Application lists Michele D. Corcoran of 2 Whitney Court, Bedford, NH 03110 as the responsible person having primary responsibility for and control over the asbestos work of the applicant.

5. On September 8, 2005, DES issued License Number AC-029 Asbestos Abatement Entity License Renewal to the applicants, with an expiration date of September 7, 2006.
6. ASTEC was issued a renewed asbestos abatement entity license on May 30, 2002, with an expiration date of May 30, 2003.
7. On August 5, 2003, ASTEC was issued a renewed asbestos abatement license with an expiration date of August 4, 2004.
8. ASTEC was not a duly-licensed asbestos abatement entity for the period of May 31, 2003 to August 4, 2003.
9. Env-A 1803.01 requires an asbestos abatement contractor to provide notice of asbestos abatement activities to DES at least 10 days prior to initiation of such activities.
10. Env-A 1803.09 requires an owner or operator to submit applicable fees with the written notification to DES for any major asbestos abatement project.
11. Env-A 1802.01(u) defines "owner or operator" as "any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both."
12. Env-A 1802.01(r) and (s) define major asbestos abatement projects as those that encompass more than 10 linear feet, 25 square feet, or 3 cubic feet of regulated asbestos-containing material ("RACM").
13. Env-A 1805.08 requires the owner or operator of a major asbestos abatement project to obtain the services of an independent industrial hygienist to conduct clearance air sampling at the completion of the work. Clearance air sampling is not required for a minor asbestos abatement project.
14. Env-A 1805.02 requires the contractor(s) and personnel involved in a major asbestos abatement project to be licensed and certified in accordance with NH Admin. Rule He-P 5000.
15. Env-A 1804.04 requires the owner or operator to keep records for each asbestos abatement project documenting compliance with the requirements of Env-A 1800, as well as all correspondence with DES on the project. Env-A 1804.03 requires that these records be kept for 30 years.
16. DES has received copies of clearance air sampling reports from an industrial hygienist for several sites in New Hampshire at which ASTEC is identified as the asbestos abatement contractor, as noted in the following table (Table 1):

Report Date	ASTEC Work Site Address
9/6/2002	10 Willow Avenue, North Hampton
9/10/2002	65 Lebanon Street, Hanover
9/13/2002	19 Pleasant Street, Pembroke
9/23/2002	85 Manchester Street, Concord
9/25/2002	4 Water Street, Nashua
6/17/2003	651 Hanover Street, Manchester*
8/12/2003	1070 Hayward Street, Manchester
8/13/2003	233 Pembroke Street, Pembroke
9/3/2003	19 Flag Street, Hollis
9/13/2003	4 Wall Street, Concord
9/29/2003	
10/6/03	580 Washington Road, Rye
10/22/2003	33 Highland Street, Concord
8/16/2004	1 Washington Court, Concord
8/17/2004	30 Woodland Street, Nashua

(Table 1)

17. DES did not receive the notifications required by Env-A 1803.01 from the owner or operator of the asbestos abatement projects listed in the preceding table.

18. DES did not receive the fees required by Env-A 1803.09 from the owner or operator of the asbestos abatement projects listed in the preceding table.

19. On October 20, 2005, DES issued a Notice of Findings ("NOF") to Ms. Corcoran. In the NOF, DES requested that she provide copies of the notification forms and cancelled checks as proof that fees were paid for each of the projects listed in Table 1. DES requested that Ms. Corcoran provide the information within 30 days of the date of issuance of the NOF.

20. The NOF was received by Michael J. Corcoran on October 25, 2005, as evidenced by a signed, certified mail postal receipt.

21. To date, DES has not received copies of the notifications forms and cancelled checks as proof that the notices were given and the fees were paid for the asbestos abatement projects listed in Table 1, above.

D. DETERMINATION OF VIOLATIONS

1. Michele and Michael Corcoran violated Env-A 1803.01 by failing to submit written notification to DES at least 10 working days prior to beginning the 14 major asbestos abatement activities listed in Table 1 above.

2. Michele and Michael Corcoran violated Env-A 1803.09 by failing to submit applicable fees with written notification to DES for the 14 major asbestos abatement projects listed in Table 1 above.

3. Michele and Michael Corcoran violated Env-A 1805.02 by performing a major asbestos abatement project at 651 Hanover Street, Manchester in June of 2003, after allowing ASTEC's abatement entity license to expire on May 30, 2003, as noted(*) in Table 1.

E. ORDER

Based on the above findings, DES hereby orders Michele and Michael Corcoran as follows:

1. **By 15 days from the date of this Order**, submit copies of the notification forms and cancelled checks as proof that the fees were paid for each of the 14 asbestos abatement projects specified in Table 1, above.
2. If the requested notification forms and cancelled checks do not exist, pay the fees associated with each of the 14 asbestos abatement projects specified in Table 1, above, **within 30 days from the date of this Order**. The fees shall be submitted with information specifying the size of each project as either Class S or Class N, with documentation to support each classification.
3. Send correspondence, fees, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:


Barbara Hoffman
Enforcement Section Supervisor
DES Air Resources Division
P.O. Box 95
Concord, NH 03302-0095
Phone: (603) 271-7874
e-mail: bhoffman@des.state.nh.us

F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Air Resources Council by filing an appeal that meets the requirements specified in Env-AC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Michele D. Corcoran or Michael J. Corcoran of their obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 141-E provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Michele and Michael Corcoran remain obligated to comply with all applicable requirements, in particular the notification and fee requirements of Env-A 1803. DES will continue to monitor Michele and Michael Corcoran's compliance with applicable requirements and will take appropriate action if additional violations are discovered.


Robert R. Scott, Director
Air Resources Division


Michael P. Nolin, Commissioner
Department of Environmental Services

Certified Mail/RRR: [7005 1160 0004 7467 6550]

cc: W. Toland, EPA Region I
J. Patterson, Sr. Asst. Attorney General, NHDOJ/EPB
G. Hamel, DES Legal Unit Administrator
Public Information Officer, DES PIP Office
Richard Hinch, Chair, Board of Selectmen, Town of Merrimack